

# CHANGES

IN THE

## General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA  
SESSION OF 1881, AND THE REGULAR  
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
WEST PUBLISHING COMPANY.  
1883.

to be contracted, and of the state of Minnesota issued since one thousand eight hundred and sixty. (1879, c. 109, sub. 2, § 26, *as amended*, 1883, c. 46, § 1.)

See Supp. 1881, page 52.

Change subdivision 3 to read:

In the stocks or bonds of any city, county, town, village, or school-district of the states of Minnesota, Wisconsin, Iowa, and of the territory of Dakota, issued pursuant to the authority of any law of said states or territory, or in any interest-bearing obligation issued by the city or county in which such bank shall be situated. (*Id.* § 2.)

Change subdivision 4 to read:

In notes secured by mortgage or unincumbered real estate situate in the states of Minnesota, Wisconsin, and Iowa, and in the territory of Dakota, and worth at least twice the amount loaned thereon, but not to exceed seventy per cent. of the whole amount of the moneys of the bank shall be so loaned or invested; but in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per cent. of its actual value; and no investment in any bond and mortgage shall be made by any savings bank except upon the report of a committee charged with the duty of investigating the same, and who shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment, and such report shall be filed and preserved among the records of the institution. (*Id.* § 3.)

See page 361.

## CHAPTER XXXIV.

### CORPORATIONS.

#### CORPORATIONS EMPOWERED TO TAKE PRIVATE PROPERTY FOR PUBLIC USE.

Add to \*§ 29, p. 374:

And at any time, after the making of said order prescribing the location and manner of such crossing or connection, the petitioning corporation shall be entitled, without hindrance or obstruction, to proceed immediately to make and operate the same, upon filing with the clerk of said court a bond in such amount and with such sureties as shall be accepted by the corporation whose property is to be taken, or as shall, upon reasonable notice, be approved by the judge of the district court, conditioned to prosecute said petition with diligence and to pay to the corporation, whose property is taken, whatever amount may be required by the judgment of the court in such proceeding, and to abide by any rule or order of court in relation to the matter in controversy. (1881, *Ex. Sess.* c. 10, § 1.)

\*§ 74. **Railroad mortgages, etc.—where recorded.** That whenever any deed of trust, mortgage, or other incumbrance shall be made by any railroad company upon their road, lands, or property, the same shall be recorded in the office of the secretary of state in a book provided for that purpose. (*As amended* 1883, c. 66, § 1.)

See page 383.

§ 79. (SEC. 42.) **Capital stock—how increased.** Whenever any railroad corporation heretofore or hereafter incorporated, whether under the provisions of this title or by special charter, shall, in the opinion of its board of directors, require an increased amount of capital stock, or whenever any incorporation created and incorporated under the provisions of this title, or adopting its provisions as hereinbefore provided, shall, in the opinion of its board of directors, require any other modification of its articles of association not inconsistent with the provisions of this title, such corporation may, if authorized by the holders of a majority of the stock

then existing, increase its capital stock to the amount so deemed to be required, or make such other modification of its articles of association: *provided*, that if the corporation be one incorporated under the foregoing provisions of this title, or adopting its provisions as aforesaid, it shall file in the office of the secretary of state new articles setting forth the modifications of its said articles of association proposed, and the amount of such desired increase of stock, if any, and such new articles shall be duly recorded, and a reference made to the same on the margin of the record of the original certificate or articles, and thereafter such corporation shall be entitled to have such increased capital as is fixed by said new articles or such other modifications of the original articles of association as shall be therein specified: *and provided further*, that if such corporation be one incorporated under or entitled to the benefit of special charter provisions, a certificate of such increase, embracing a copy of the resolutions of the board of directors and of the stockholders relating to such increase, and showing the date thereof and the total capital stock of the company as thus increased, under the seal of the corporation and attested by the president and secretary thereof, shall be filed in the office of the secretary of state and there recorded within — days after the date of the assent of the stockholders to such increase, and thereafter such corporation shall be entitled to have such increased capital stock as is provided for in and by said resolution. (*As amended 1883, c. 5, § 1.*)

See page 334.

## CORPORATIONS FOR PECUNIARY PROFIT, ETC.

\*§ 111 is repealed by 1881, *Ex. Sess. c. 73, § 1.*

See page 395.

§ 112. (SEC. 47.) **Amount of capital stock—par value of shares.** The amount of capital stock of any such corporation shall in no case be less than ten thousand dollars, and shall be divided into shares of not less than ten dollars nor more than one hundred dollars each; except that the capital stock of mutual building and loan associations may be divided into shares of two hundred dollars each; and the capital stock and number of shares may be increased at any regular or special meeting of the stockholders. (*As amended 1883, c. 4, § 1.*)

See page 395.

## MANUFACTURING COMPANIES.

\*§ 121. **Capital stock—par value of shares.** The amount of capital stock of every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall be divided into shares of not less than fifty and not more than one hundred dollars each, but every such corporation may increase its capital stock and number of shares therein at any meeting of the stockholders specially named for that purpose. (1873, c. 11, § 2, *as amended 1883, c. 105, § 1.*)

See page 396.

\*§ 131 and \*§ 138 are repealed by 1883, c. 106, § 1.

See pages 398, 399.

Add to \*§ 146, p. 400, (instead of \*§ 145, *Id.*, as per Supp. 1881, p. 66,) the following:

Said articles of incorporation may be amended at any time in any respect within the purview of this act, by a majority vote in amount of the stockholders, and by depositing such amendment for record in the office where the articles of incorporation are deposited for record. (1876, c. 28, § 3, *as amended 1881, Ex. Sess. c. 14, § 1.*)

The amendment of 1881, c. 27, § 2, adding above provision to § 2, c. 28, Laws 1876, (\*§ 145, p. 400.) is repealed. (1881, *Ex. Sess. c. 14, § 2.*)

## CO-OPERATIVE ASSOCIATIONS.

\*§ 159. **Capital stock—increase and diminution.** The amount of capital stock of such association shall be fixed and limited in its articles of association, and it may be any sum not exceeding one hundred thousand dollars. The association may increase or diminish its amount and its number of shares at any meeting of the stockholders especially called for that purpose, and, within thirty days after the passage of any vote increasing or diminishing its capital stock, cause such vote to be recorded in the clerk's office in the place where its business is carried on; but no share shall be issued for less than its par value. (1870, c. 29, § 5, *as amended* 1881, *Ex. Sess.* c. 13, § 1.)

See page 402.

\*§ 160. (1870, c. 29, § 6, *as amended* 1876, c. 33, § 1.) *Repealed by* 1881, *Ex. Sess.* c. 13, § 2.

See page 402.

\*§ 165. **Distribution of profits on earnings.** There shall be such distribution of the profits on earnings of such associations among the workmen, purchasers, members, and stockholders as shall be prescribed by the by-laws at such times therein prescribed, and as often, at least, as once in twelve months. (*Id.* § 3.)

See page 403.

## CORPORATIONS OTHER THAN THOSE FOR PECUNIARY PROFIT.

\*§ 169. **Amendment of articles—how made.** That the members of any body corporate, which has been or may be incorporated pursuant to the provisions of title three of chapter thirty-four of the General Statutes one thousand eight hundred and sixty-six, or of an act entitled "An act for the incorporation of colleges, seminaries, churches, lyceums, libraries, and other societies for benevolent, charitable, scientific, and missionary purposes," approved March fifth, A. D. one thousand eight hundred and fifty-three, or of an act entitled "An act for the incorporation of institutions of learning," approved July fourteenth, A. D. one thousand eight hundred and fifty-eight, or of chapter two of an act entitled "An act to provide for the creation and regulation of corporations," approved August twelfth, A. D. one thousand eight hundred fifty-eight, or of any acts amendatory of any of the aforesaid laws, may amend the articles of incorporation of such body corporate by adopting, at any regular or duly-called meeting thereof, by a majority vote of the members, any articles of amendment which would have been lawful if they had been adopted as a part of such original articles. The term of continuance of any such corporation may, by amendatory articles adopted either before or after the expiration of its charter by limitation, be extended for an additional period, not greater than that fixed by the original articles; and in such case all the acts and transactions of any such corporation, and all conveyances, devises, or bequests to it of any real or personal property occurring in the interval between the expiration of its original charter by limitation and its renewal or extension as aforesaid, and whether before or after the passage of this act, shall be of the same effect and validity as though the term of continuance named in the original articles had not expired. (*As amended* 1883, c. 111, § 1.)

See page 404.

\*§ 170. **Certificate of amendment to be filed and recorded.** Any body corporate amending its articles of incorporation, as provided in section one of this act, shall cause to be prepared a certificate stating the time when and the respect in which such articles were amended, which certificate shall be subscribed and sworn to by the president, or other chief executive officer, and also by the secretary of such body corporate, and filed and recorded in the same manner as said original

articles were required by law to be filed and recorded; and thereupon such amendments shall be and become a part of the articles of such body corporate. (Id. § 2.)  
See page 404.

\*§§ 171, 172, *repealed* by the following:

The act entitled "An act to authorize the amendment of the articles of incorporation of associations organized under the provisions of title three of chapter thirty-four of General Statutes," approved February twenty-nine, A. D. eighteen hundred and seventy-six, and chapter sixty-one of the General Laws of eighteen hundred and seventy-four, are hereby repealed, without prejudice to any proceedings heretofore had under the same. (Id. § 3.)

See page 404.

#### AGRICULTURAL SOCIETIES.

\*§ 188. **State Agricultural Society—how composed.** That hereafter the State Agricultural Society shall be composed of the following members: The president, secretary, and treasurer, or three delegates to be appointed by each of the county and district agricultural societies in this state; life members, who shall pay the sum of ten dollars at one payment, and honorary life members, who, by reason of eminent services in agriculture, or in the arts and sciences connected therewith, or long and faithful services in the society, or benefits conferred on it, may, by a two-thirds vote [at] any of its annual meetings, be elected as such. Nothing herein contained shall be construed as annulling any existing life or annual membership in the State Agricultural Society. And the president of each of the following societies as *ex officio* members, namely: The State Horticultural Society, the State Amber Cane Society, the State Dairyman's Association, the State Forestry Association, the Southern Minnesota Fair Association, and, when they shall have filed their articles of incorporation with the secretary of state, the State Wool-growers' Association, the State Poultry Association, the State Bee-keepers' Association, and the president of any society within the state having for its object the promotion of any branch of agriculture, stock-raising or improving, or mechanics relating to agriculture: *provided*, that this shall apply only to such societies and associations as shall maintain an active existence and hold an annual fair, and have paid out as much for premiums as they receive from the state, and an annual membership of twenty-five or more members: *and provided further*, that in the election of officers, and upon any question pending at any meeting of said society, each of the persons above mentioned may vote in person or by proxy, provided the proxy is from the same county, provided they have first paid their annual dues of one dollar each. (*As amended* 1883, c. 142, § 1.)

See page 407.

\*§ 189. **Annual meetings—when and where held—officers.** The annual meeting of the State Agricultural Society, after the year eighteen hundred and eighty-three, shall be held in the state house, or such other place as may be selected by board of management, in the city of St. Paul, on the fourth Tuesday in January of each year, at which time the following officers shall be elected, namely: A president, two vice-presidents, a secretary, a treasurer, and two managers, that shall serve three years each, and shall take the places of the two executive committee as their terms expire under the existing organization, until the present executive board have all retired, after which they will succeed the two managers as they retire, so that there shall be a board of six managers serving three years each, two to be elected each year. (*Id.* § 2.)

\*§ 190a. **Board of auditors.** The governor of the state of Minnesota, *ex officio*, and three members from the state at large, to be appointed by the governor and approved by the senate as his other appointments are approved, shall constitute a board of auditors to examine all the transactions of the State Agricultural Society, and report to the legislature at each session. (*Id.* § 3.)

\*§ 190b. **President and board of managers to control.** The president and board of managers shall control the affairs of the State Agricultural Society, and shall make by-laws for its government, which shall be submitted to the board of

auditors, and if approved by them shall be law regulating its transactions. (*Id.* § 4.)

\*§ 190c. **Appropriations for state society.** That the sum of four thousand dollars be annually appropriated out of any moneys in the state treasury not otherwise appropriated, to aid the State Agricultural Society in paying premiums. The said sum shall be paid by the state treasurer on the order of the president and secretary of the State Agricultural Society. (*Id.* § 5.)

\*§ 191. **Same—to county societies.** That the sum of six thousand dollars be annually appropriated out of any moneys in the state treasury not otherwise appropriated, to county agricultural societies and joint-stock societies holding agricultural fairs, *pro rata*, and to be paid out in premiums at the fairs of such societies: *provided*, that such moneys shall be paid only to such societies as shall have complied with the proviso in section one. Said moneys shall be paid to such county agricultural and joint-stock societies upon the order of the president and secretaries thereof respectively, upon the filing with the state auditor a sworn statement showing the holding of their fairs aforesaid, and payment of as much for premiums as they receive from the state according to the provisions of this act; and the secretary of the State Agricultural Society shall, on or before the tenth day of April in each year, certify to the state auditor a list of all county agricultural and joint-stock societies that have complied with section one of this act, [*i. e.*, \*§ 188.] (*Id.* § 6.)

\*§ 192. **Repeal of \*§ 191, and inconsistent acts.** Chapter nineteen of the General Laws of one thousand eight hundred and sixty-eight, and all acts and parts of acts inconsistent with the provisions of this act, is hereby repealed. (*Id.* § 7.)  
See page 407.

#### CHAMBER OF COMMERCE AND BOARD OF TRADE.

\*§ 197. **Chamber of commerce and board of trade—purposes.** That any number of persons, not less than three, in any city or town in this state having a population of three thousand souls or upwards, or in any county in this state, may associate themselves and become incorporated as either a chamber of commerce or as a board of trade, or both, for the purpose of advancing the commercial, mercantile, manufacturing, or agricultural interests of such county, city, or town; for inculcating just and equitable principles of trade; for establishing, maintaining, and enforcing uniformity in the commercial usages of such county, city, or town; for acquiring, possessing, and disseminating useful business information; and for adjusting the controversies and misunderstandings which may arise between individuals engaged in trade, and for promoting the general prosperity of such county, city, or town. (1883, c. 138, § 1.)

See page 408.

\*§ 198. **How organized—powers, etc.** All persons so associating shall proceed in accordance with the provisions of title one of chapter thirty-four of the General Statutes of the state of Minnesota, so far as the same are or may be applicable, and every such corporation shall be endowed with the following, in addition to its ordinary power, *viz.*:

*First.* **Committees of arbitration—powers, etc.** Said corporation may constitute and appoint committees of reference and arbitration, and committees of board of appeal, who shall be governed by such rules and regulations as may be prescribed in the rules, regulations, or by-laws, for the settlement of such matters of difference as may be voluntarily submitted for arbitration by members of the said association or by other persons not members thereof. The acting chairman of either of said committees or boards, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments, compelling the attendance of witnesses and the production of papers, the same as justices of the peace, and in like manner directed to any sheriff, constable, or police officer to execute.

*Second.* **Judgment upon filing award if no appeal taken.** When any submission shall have been made in writing, and a final award shall have been rendered thereon, and no appeal taken within the time fixed by the rules or by-laws, or when

a final award shall have been rendered upon appeal duly taken, then, upon filing such submission, award, or final award with the clerk of the district court for the county in which such association is located, such clerk shall enter a judgment thereon, and such judgment shall thenceforth have the same force and effect as a judgment entered in a civil action in such court between the parties to such submission, and the same may be docketed and execution issued thereon in all respects as upon a judgment in a civil action under the laws of this state.

*Third. Inspectors to examine weights and measures.* Said corporation shall have power to appoint one or more persons, as they may see fit, to examine weights, scales, and measures, to weigh, gauge, or inspect flour, grain, produce, provisions, liquor, lumber, or any other article of produce or traffic commonly dealt in by the members of such corporation, and the certificate of such person or inspector as to the quality, quantity, grade, or condition of any such article, or the brand or mark upon it, or upon any package containing such article, or upon any car or other vehicle of transportation thereof, shall be evidence between buyer and seller of the quantity, grade, quality, or condition of the same, or of any part of the same, and shall be binding upon the members of said corporation, or others interested, and requiring or assenting to the use or employment of such weights, measures, gauges, scales, or inspectors. Nothing herein contained, however, shall compel the employment by any one of any such appointee, nor shall any person, not a member of such corporation, be held to have assented to the provisions of this section, or to the rules and by-laws of any such corporation, or the employment of any person or inspector named in this section, unless such assent shall have been in writing, and subscribed by the party or person, or the agent of such party or person, to be affected thereby.

*Fourth. Fines—how collected.* Said corporation may inflict fines upon any of its members, and collect the same, for breach of its rules, regulations, or by-laws. Said fines may be collected by action of debts before a justice of the peace, or in any court of record having jurisdiction of the amount of the fine, in the name of the corporation, or by temporary suspension or permanent removal from membership, or removal from office therein.

*Fifth. May hold real estate, etc.—powers, etc.* Said corporation shall have full power and authority to bargain for, purchase, take, hold, and acquire, by gift, devise, or otherwise, and use, improve, rent, mortgage, lease, sell, and convey any real estate or personal property whatever, in any manner considered by such corporation most conducive to the interests and prosperity of such corporation, to the same extent as natural persons. It may prescribe the terms and conditions of its membership, the mode of admission of members, the number and mode of election of its officers, the appointments of its agents and employes, and their functions and duties, and generally as to the management and transaction of its business and affairs, either by by-laws or resolutions, and when the business of the corporation is managed by or through a board of directors or other body, such board or body shall be considered as vested with, and may exercise all the powers of, the corporation, unless otherwise limited and restricted by the by-laws of such corporation; and such board of directors or other body, whenever by it deemed necessary, may raise money for the purposes of the corporation by assessments upon the members thereof; and the payment of such assessments may be enforced by a sale or forfeiture of the membership of any member failing to pay the same, in such manner as the by-laws or rules may provide; but the aggregate of all assessments made in any one year, shall not exceed the sum of one hundred dollars upon each member, unless a majority of the members of the corporation shall vote in favor of such extra assessment. (*Id.* § 2.)

\*§ 199. Existing organizations may conform to this act. The articles of association of any corporation organized under this act, or of any association heretofore organized, or attempted to be organized under the laws of this state, whether existing or repealed, may be amended so as to conform to this act, or in any manner consistent with this act, by the resolution of such corporation, or of its board of directors or other managing board. The said resolution shall be certified by the president or other chief executive officer of such corporation, and also by the

secretary; and such certificate shall specify the time when and the respect in which such articles were so amended; and the said certificate and resolution shall be filed, published, and recorded in the same manner as herein provided for the said original articles of association, and thereupon such amendments shall be and become a part of the articles of such body corporate, with the same force and effect as if such amendments had been adopted as part of such original articles: *provided, always*, that corporations heretofore organized for the purposes contemplated by this act, or hereafter organized under the same, may, from time to time, amend their articles of association, either in relation to the qualification of or admission to membership, or the number or election of its officers, or their duties, by a resolution of its board of directors or other managing body, without the filing, record, or publication of such resolution. (*Id.* § 3.)

\*§ 199a. **Repealing clause does not affect existing organizations.** Chapter twenty of the General Laws of one thousand eight hundred and sixty-eight, the same being sections one hundred and ninety-seven, one hundred and ninety-eight, and one hundred and ninety-nine of the General Statutes of Minnesota, and chapter thirty-seven of the General Laws of one thousand eight hundred and eighty-one, are hereby repealed, saving all existing rights; but this repeal shall not affect any corporation or corporations heretofore organized or attempted to be organized under said acts, and any corporations heretofore organized or attempted to be organized under said acts are hereby legalized, and shall have all the power, authority, rights, and jurisdiction herein conferred upon associations to be organized under this act, the same as though regularly organized hereunder, to the extent of the county in which they may have been organized or attempted to be organized. (*Id.* § 4.)

See page 409.

#### RELIGIOUS CORPORATIONS.

§ 231. (SEC. 90.) Strike out all added by chapter 2, Laws 1879, (*see Supp.* 1881, p. 69,) and insert in lieu thereof the following:

Whenever and as often as it may be deemed advisable or desired by the bishop of any religious denomination within the state of Minnesota to have created or organized any religious corporation within this state, for the purpose and with the powers hereinafter specified, he shall associate with him the vicar general of the diocese to which he, such bishop, belongs, and the pastor of such denomination of the parish wherein any such corporation is to be located, and the said bishop, vicar general, and pastor, or a majority thereof, shall thereupon select or designate and associate with them two lay members of any such denomination, and the said five persons, upon adopting and signing in duplicate, under their hands and seals, duly-acknowledged articles of incorporation, reciting the fact of the association and selection of such laymen as aforesaid, and containing the name, general purpose, and place of location of such corporation, and having one of said articles recorded in the office of the register of deeds for the county within which the place of location of any such corporation is situated, and the other filed in the office of the secretary of state of the state of Minnesota, and their successors, shall thereupon become a body corporate, with all the rights, powers, and privileges of other religious corporations constituted under this chapter, together with the powers and privileges in this act enumerated, and shall be capable of suing and being sued, holding, purchasing and receiving title by devise, gift, grant, or other conveyance, of and to any property, real or personal, with power to mortgage, sell, or convey the same, or any part thereof, and may adopt and establish by-laws, and make all rules and regulations necessary or expedient for the management of its affairs in accordance with law. The persons who may hold the offices respectively, of bishop and vicar general of such denomination, together with the pastor of such denomination of the parish where such corporation is located, being the pastor who shall subscribe said articles, and his successors in said office of pastor, forever, shall, by virtue of their respective offices, each of them always be members of said corporation, and no person who shall subscribe said articles as bishop, vicar general, or pastor, and no successor in office of any such person, shall continue to be a member of any such cor-

poration after he or they shall have ceased to hold such office respectively. The two laymen thus selected, and the persons who may be chosen as their successors, as hereinafter provided, shall constitute the other members of said corporation. The two laymen so designated in such articles of incorporation shall remain members thereof for the term of two years from the date of such articles, and until their successors are chosen in their place, respectively, and the term of office of any lay corporator shall be for the term of two years from the time of his appointment and until his successor is chosen in his place. The laymen thus to serve as corporators shall always be chosen by said other three corporators, viz., by the bishop, vicar general and pastor, or by any two of them, and said three last-named corporators shall have power at all times, whenever a vacancy shall occur in said membership as to either of said lay corporators, and as often as any such vacancy shall for any cause occur, whether by the expiration of the time of holding, by resignation, death, or otherwise, to fill any such vacancy; every such appointment to be in writing and entered of record in the minutes of the corporation. Any lay corporator may at any time resign his office of corporator and cease to be a member of said corporation; such resignation and acceptance to be always entered on the minutes of said corporation. Should there be at any time a vacancy in the office of bishop of said diocese, or should there be for any reason at any time a person other than the bishop appointed in his stead to administer the spiritual and temporal affairs of said diocese therefor, or during the time of such vacancy, or such suspension of the authority of the bishop, the administrator of said diocese, or such other person as may be appointed, according to the rules of said denomination, to preside over and administer the spiritual and temporal affairs of said diocese, shall, while he is such administrator or appointee, be a member of said corporation, with all the powers as such corporator that are by this act vested in such bishop, and in his place and stead; but his membership shall at once cease whenever such vacancy in the office of bishop shall be filled, or such bishop shall be no longer incapacitated to act by reason of such suspension of his authority. (*As amended 1876, c. 34, § 1; 1877, c. 81, § 6; 1878, c. 15, § 1; 1879, c. 2 § 1; and 1881, Ex. Sess. c. 18, § 1.*)

See page 414.

#### INSURANCE COMPANIES.

**\*§ 294a. Application of \*§ 294 as to holding real estate.** That the provisions of section two hundred and ninety-four of chapter thirty-four of the General Statutes of this state shall not apply to any conveyance heretofore made to or by, or hereafter made by, any foreign corporation, created and organized with power under its charter to acquire, hold, and convey real property in a fiduciary capacity. (1883, c. 92, § 1.)

See page 429.

**\*§ 297. Annual statement of condition and business.** Every insurance company doing business in this state must transmit to the insurance commissioner a statement of its condition and business for the year ending on the thirty-first of December, which statement shall be rendered within thirty days thereafter, except in case of life companies, whose statements shall be rendered within forty days thereafter. Said statement must be published at least three times in some newspaper published either at the capital of the state or in the county where the state agency of such insurance company is located. Statements for publication shall be made out on blanks furnished by the insurance commissioner, and under his direction, and the insurance commissioner's certificate of authority to do business in the state shall be published in connection with the said statement of each company doing business in this state. Proof of publication—to-wit, the printer's affidavit of the fact—shall be filed with the insurance commissioner in all cases. In case such statement is not published by the company or its agent, and proof of publication filed as required, within sixty days from the date of filing the statement with the insurance commissioner, it shall be the duty of the insurance com-

missioner to have the same published, as provided by this section, and collect the cost of said publication from the company. (*As amended* 1883, c. 17, § 1.)

See page 430.

**\*§ 315. Payment of percentage of premiums in lieu of taxes, etc.** All insurance companies organized under the laws of any other state or nation, doing business in this state, shall annually pay to the state two per cent. on all premiums received in cash and other obligations [except what are denominated insurance deposit notes, representing dividends of the company and the assessable premium notes of mutual fire insurance companies] in this state, by their agents or otherwise, during the year ending on the preceding thirty-first day of December, which sum shall be in lieu of all other taxes to be collected from said companies in this state, except upon the real or personal property owned by said companies in this state, which shall be taxed the same as like property owned by individuals, and not otherwise; and all insurance companies chartered by the territory or state of Minnesota, or organized under the general laws of the state, shall pay to the state two per cent. on their premium receipts in this state, and shall also pay taxes and assessments upon real estate owned by them within the state, in like manner and in like amount as real estate owned by individuals is taxed and assessed, and no additional taxes shall be collected of such companies other than the fees provided by law. It shall be the duty of the insurance commissioner, on the last week day of each month, to certify to the auditor of state the names of the insurance companies which have filed their annual statements with him during the current month, together with a statement of their premium receipts in this state the preceding year, and the amount of tax due thereon. The auditor shall then make his draft on the companies so certified by the insurance commissioner for two per cent. of their said premium receipts, as required by this section, and place the same in the hands of the state treasurer for collection. In case of the refusal of any insurance company to pay such tax, the insurance commissioner shall at once revoke its authority to do business in this state, and shall not renew the same while said tax remains a charge against said company.

This act shall not be held to apply to township mutual fire insurance companies, organized under the laws of this state, nor to mutual aid associations, benefit associations, or co-operative life insurance societies, wherever organized. (1872, c. 1, § 28, *as amended* 1876, c. 23, § 1, and 1883, c. 16, § 1.)

See page 433.

#### TOWN INSURANCE COMPANIES.

**\*§ 338. Organization and powers.** It shall be lawful for any number of persons, not less than twenty-five, residing in adjoining towns in this state, not exceeding in number twenty-five towns, who shall collectively own property of not less than twenty-five thousand dollars, to form themselves into a company or corporation for mutual insurance against loss or damage by fire, hail, lightning, or storms, which corporation may sue and be sued, contract or be contracted with, plead or be impleaded, in any court in this state, and possess the usual powers and duties of corporations, and the corporate name thereof shall embrace the name of the town in which the business office of said corporation shall be located. The words "adjoining towns," as used in this section, shall be held to mean not only the towns immediately adjoining the town in which the business office of the corporation is located, but the towns which adjoin these also, contiguously or at their corners. (*As amended* 1883, c. 67, § 1.)

See page 439.

#### INSURANCE COMPANIES OTHER THAN LIFE, FIRE, AND MARINE.

**\*§ 374b. Capital and deposit required.** No such company or association shall be authorized by the commissioner of insurance to transact business herein unless possessed of an actual paid-up capital of at least one hundred thousand dollars, and a deposit of at least one hundred thousand dollars with the state treasurer

of the state or with the chief financial officer or commissioner of insurance of the state where such company or association is organized, duly assigned to such officer in trust for the benefit of all policy-holders.

Said deposit shall consist of bonds or stocks of the United States or of the state where such company or association is organized, or of bonds and mortgages on improved, unincumbered real estate worth double the sum loaned thereon. The market value of said deposited securities shall at all times be equal to one hundred thousand dollars. No deposit in this state shall be required under this act of any foreign insurance company other than life, fire, and marine, which files with the insurance commissioner proper evidence that it has not less than one hundred thousand dollars deposited with the proper officer of some other state of the United States for the benefit of all its policy-holders in the United States. (1881, c. 123, § 2, as amended 1883, c. 18, § 1.)

See page 444, and Supp. 1881, p. 72.

\*§ 374*g*. **To what companies not applicable.** This act shall not be held to apply to hail, wind, or live-stock insurance companies, now or hereafter organized under the laws of this state, nor to mutual aid associations, benefit societies, or cooperative life insurance societies, wherever organized. (1881, c. 123, § 7, as amended 1881, *Ex. Sess. c. 22*, § 1.)

See page 444, and Supp. 1881, p. 73.

## TITLE 9.

### MASONIC LODGES.

\*§ 423. **What lodges, etc., may incorporate.** That any subordinate lodge of free and accepted Masons, or commandery of Knights Templar, instituted under the authority of the grand lodge of free and accepted Masons, or of the grand chapter of royal arch Masons, or grand commandery of Knights Templar of the state of Minnesota, or of the grand lodge, grand chapter of grand commandery of the United States, may become incorporated in the manner provided herein. (1883, c. 45, § 1.)

See page 451.

\*§ 424. **Certificate—what to contain.** Such subordinate lodge, chapter of royal arch Masons, or commandery of Knights Templar, shall cause to be prepared a certificate which shall contain:

*First.* The charter, name, and number of such lodge, chapter, or commandery.

*Second.* The time when and the authority by which such lodge, chapter, or commandery was instituted.

*Third.* The names of the charter members of such lodge, chapter, or commandery.

*Fourth.* The name, if a lodge, of its worshipful master, senior warden, junior warden, and secretary; if a chapter, its high priest, king, scribe, and secretary; if a commandery, of its eminent commander, generalissimo, captain general, and recorder, for the current term of such lodge, chapter, or commandery. Such certificate shall be under the seal of such lodge, chapter, or commandery, and signed by the worshipful master, senior warden, junior warden, and secretary of such lodge, or by the high priest, king, scribe, and secretary of such chapter, or by the eminent commander, generalissimo, captain general, and recorder of such commandery, and shall be recorded in the office of the register of deeds of the county where such lodge, chapter, or commandery is located. (*Id.*)

\*§ 425. **Certificate to be filed—effect.** Upon filing such certificate in the office of such register, such lodge, chapter, or commandery shall become a body corporate under its charter name and number, and shall have and possess all the powers of corporations at common law, and shall have power to sue and be sued by its corporate name, and in such name to acquire or receive by purchase, gift, grant, devise, or bequest, any property, real, personal, or mixed, and the same to hold, sell, transfer, mortgage, convey, loan, let, or otherwise use in accordance with the laws and

usages of said order ; but said corporation has no power to divert any gift, grant, or bequest from the specific purpose designated by the donor. (*Id.*)

\*§ 426. **Corporate powers to cease, when.** Whenever the charter of any such lodge, chapter, or commandery shall be surrendered to or taken away by said grand lodge, grand chapter, or grand commandery of this state, or whenever by the laws and usages of said orders such subordinate lodge, chapter, or commandery shall become defunct, the corporate powers of such lodge, chapter, or commandery shall cease and determine, except that such corporation, as such, shall have power to sell, convey, and dispose of its property, and collect debts due it, and all such property and debts shall be delivered up to the grand lodge, grand chapter, or grand commandery of this state; or, in the discretion of such grand lodges, be disposed of in accordance with the laws of said order. (*Id.*)

See page 451.

#### ANNUITY, SAFE DEPOSIT AND TRUST COMPANIES.\*

\*§ 427. **Safe deposit and trust companies—how formed.** Any number of persons, not less than fifteen, may associate themselves and become incorporated for the purpose of transacting business as an annuity, safe deposit and trust company, upon complying with the provisions of this act; and any company so formed, and its successors, shall be entitled to the rights and privileges, and subject to the duties and obligations, herein prescribed, and shall have perpetual succession. (1883, c. 107, § 1.)

\*§ 428. **Sections governing same.** The provisions of sections two, three, four, seven, eight, nine, ten, and eleven, of title one, chapter thirty-four, of the Statutes of Minnesota, shall apply to and be observed by persons organizing under this act, except as herein otherwise provided. (*Id.* § 2.)

\*§ 429. **Amount of capital stock.** The amount of the capital stock of any such corporation shall not be less than two hundred thousand dollars, but the same may be increased at any time by a resolution of two-thirds of the directors, to any amount not exceeding two million dollars; and the same shall be divided into shares of one hundred dollars each. (*Id.* § 3.)

\*§ 430. **Deposit—of what to consist and how approved.** No such corporation shall be authorized to transact any business or exercise any powers, as such, until two hundred thousand dollars of its capital stock shall have been subscribed for, and one hundred thousand dollars on account of said capital stock shall have been actually paid in, invested and deposited as hereinafter provided. Said one hundred thousand dollars shall be invested in bonds of the United States or of the state of Minnesota, or in the bonds of other states, which shall have the approval of the state auditor or public examiner, or in bonds or obligations of any incorporated city of the state containing a population of not less than five thousand souls, which bonds have not been issued as a bonus for, or purchase of, or subscription to, any railroad or other private enterprise, and whose total bonded indebtedness does not exceed five per centum of the then assessed valuation of the real and personal property of such city; or in the bonds of any organized county in this state, containing a population of not less than ten thousand souls, which bonds have not been issued for any of the purposes aforesaid, and whose total bonded indebtedness does not exceed five per centum of the then assessed valuation of the real and personal property of such county; or in bonds or promissory notes, secured by first mortgages or deeds of trust upon unincumbered real estate, situated within this state, worth double the amount of the obligation so secured. (*Id.* § 4.)

\*§ 431. **State auditor to hold securities and pay over the income.** Whenever any such corporation shall have so invested one hundred thousand dollars of its paid-in capital, and shall assign, transfer, and deliver to the state auditor the said securities and all evidences of such investments so made, he shall execute and deliver a certificate of such deposit; and thereupon the said corporation

\* (An act to authorize the organization and incorporation of annuity, safe deposit and trust companies, approved March 5, 1883. Laws 1883, c. 107.)

may commence and carry on business under the provisions of this act. The state auditor and his successors shall hold the said securities as a collateral security for the depositors and creditors of said corporation, and for the faithful execution of any trusts which may be lawfully imposed upon and accepted by such corporation. Such corporation may, from time to time, withdraw the said securities from said state auditor, or any part thereof, upon their depositing with him other securities of equal amount and value, and of the kinds specified in section four, so that an equal amount and value of such securities shall at all times, during the existence of such corporation, remain in the possession of the state auditor for the purposes aforesaid. And until otherwise ordered by a court of competent jurisdiction, the said state auditor shall pay over to such corporation the interest, dividends, or other income which he shall collect upon such securities; or he may authorize said company to collect the same for its own benefit. (*Id.* § 5.)

\*§ 432. **Board of directors—qualifications and term of office.** All the corporate powers of such company shall be exercised by a board of directors of not less than nine nor more than twenty-seven in number, and such officers and agents as they shall elect or appoint. A majority of such directors must be citizens of this state, and each director must own at least ten shares of the capital stock. The articles of association shall state the names and places of residence of the first board of directors, of whom the first one-third thereof shall serve for three years, the second one-third thereof shall serve for two years, and the balance thereof shall serve for one year from the date fixed for the commencement of such corporation. In case any of the persons so named shall not become stockholders to the amount required to qualify, or if they shall fail or refuse to qualify from any cause, the directors who shall so qualify may elect qualified stockholders to fill such vacancies, and thereafter, at each annual meeting of the stockholders, directors shall be elected to serve three years in place of those whose terms shall then expire. (*Id.* § 6.)

\*§ 433. **Annual elections.** The annual election shall be held at the office of the company upon a day to be fixed by the articles of association, and notice of which meeting shall be given by publication at least ten days prior to said date in a public newspaper printed and published at the county seat of the county in which such company has its principal place of business. In case of a failure to elect on that day, or on a day to which such annual meeting may be adjourned, the directors whose regular terms do not then expire shall proceed to elect such number of directors as may have failed of election, who shall with them constitute the board of directors. Any vacancy in the office of director may be filled by the board until the next annual election. (*Id.* § 7.)

\*§ 434. **Officers—how chosen.** The board of directors shall, at their annual meeting, elect from their own number a president and vice-president, and they shall also appoint a secretary and such other officers and agents as they may find necessary to the transaction of the business of the company. They shall define the general powers, authority, and duty of such officers and employes by by-laws or resolutions, fix the conditions, form and amount of their bonds, and approve the same; but no such officer, agent, or other employe from whom a bond shall be required by the directors, shall enter upon the discharge of his duties until he shall have entered into a bond to the corporation, conditioned for the honest and faithful discharge of his duties, in such sum, conditions and sureties as may be approved by the directors, nor until such bond, so approved, has been filed in the office of the state auditor. (*Id.* § 8.)

\*§ 435. **General and special powers.** Any such corporation, so organized and authorized to transact business, shall have all the general powers and privileges of a corporation, as the same are declared in title eight of chapter thirty-four of the Statutes of Minnesota; and in addition thereto shall have power and authority—

*First.* **To acquire and sell real estate.** To acquire, purchase, own, hold, use, and improve, and for that purpose to mortgage, lease, sell, and convey such real estate and personal property as may be necessary for the convenient transaction of its business, and for the use and occupation of its officers, agents, and employes,

and the safe keeping of its assets, deposits, and property held in trust. Any estate, or interest in real estate, which such corporation shall acquire under or by virtue of the foreclosure of any deed of trust, mortgage, or other security, or by the compromise, compounding, or settlement of any obligation or security, or otherwise, in the course of its legitimate business, whether as owner or trustee, it may continue to own, hold, use, occupy, lease, bargain, sell, [and] convey the same, as the directors may deem best for the interests of such company, or of the particular estate or trust to which the same belongs; and to that end it may become a purchaser at any foreclosure sale, or sale under decree of judgment, to which it is a party as trustee or otherwise. But no part of its capital, accumulations, deposits, trust funds, property, or securities, owned or held by such company in trust or otherwise, shall be invested in real estate, except as herein authorized, unless the same is done under and by virtue of a particular contract, agreement, or other instrument, which shall confer a special power and authority so to do, and then only with and to the extent of the moneys or funds thereby provided and belonging to such particular trust; and for the general transaction of its business to make and deliver, and in like manner to accept and receive, all necessary and proper deeds, conveyances, mortgages, leases, and other contracts and writings obligatory, and to have and exercise all necessary rights, franchises, muniments, estate, powers, and privileges necessary to that end; and such corporation is authorized to loan money and funds, and secure such loan by mortgage; and shall have power to sell and assign such mortgages and the other securities of such corporation, and to convert them into cash or other securities.

*Second. To hold trusts.* To take, accept, and hold, by the order, judgment, or decree of any court of record of this state, or of any other state, or of the courts of record of the United States, or by gift, grant, assignment, transfer, devise, legacy, or bequest, from or with any public or private corporation, or persons whomsoever, any real estate or personal property, upon trusts created in accordance with, or which shall not conflict with, the laws of this state or of the United States, and to execute and perform [any] and all such legal and lawful trusts in regard to the same, upon the terms, conditions, limitations, and restrictions which may be declared, imposed, established by, or agreed upon, in and by such order, judgment, decree, gift, grant, assignment, transfer, devise, legacy, or bequest. To accept from and execute for, or on behalf of, trusts for married women, in respect to their separate property, real or personal, and antenuptial settlement, or otherwise to act as agent for them in the management of such property. To act as agent for the purpose of transferring, issuing, registering, or countersigning the certificates of stock, bonds, coupons, or other evidences of debt of any corporation, association, person, city, county, state, or other authority, or to receive and pay out moneys in redemption of the bonds, coupons, or other evidences of indebtedness of such public or private corporations or persons.

*Third. To receive deposits.* To take, accept, and hold, on deposit or for safe-keeping, any and all moneys, bonds, stocks, or other securities, or personal property whatsoever, which any state, county, city or town, officer in any railroad or other corporation, public or private, or private person, shall be authorized or required by law or otherwise to deposit in a bank or other safe deposit.

*Fourth. To act as trustee, receiver, executor, etc.* To act as trustee, assignee, or receiver, in all cases where it shall be lawful for any court of record, officer, corporation, or person to appoint a trustee, assignee, or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last will and testament of any deceased person, and as guardian of the person or estate of any minor or minors, or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other person disqualified or unable from any cause to manage their estate.

And it shall and may be lawful for any probate court, surrogate, or orphans' court, or other court of record having jurisdiction of the estate and wills of decedents, or of the persons or estates of minors, or of other persons under guardianship, either within or without this state, to appoint and commission any such corporation

which holds the certificate of the state auditor, showing that it is entitled to transact business in this state as the executor of any last will and testament, or as trustee of any trust under any will, or as the administrator of the estate of any decedent, or as the guardian of the person and estate of any minor, or of the estate of any imbecile, lunatic, spendthrift, habitual drunkard, or other person disqualified or unable from any cause to manage his or her estate, in all cases where, under the laws of this state, such court could lawfully appoint and commission any natural person as such executor, administrator, guardian, or trustee; and in all such cases no bond or other security, or oath or other qualification, shall be necessary to enable such corporation to accept such appointments and trusts.

**Fifth. To act as agent or attorney in fact.** To act as the general agent and attorney in fact for any public or private corporation, or person in the management and control of real estate or personal property, its sale or conveyance, in the negotiation of and sale of mortgages or other securities, the satisfaction and discharge of record of such mortgages or other securities, the collection of rents, payment of taxes, and generally to act for and represent corporations or persons under powers and letters of attorney in all respects as a natural person could do.

**Sixth. Directors may invest moneys—how.** The directors of any such corporation shall have discretionary power to invest all moneys received by it on deposit or in trust, in any such personal securities as are not hereinafter expressly prohibited; and it shall be held responsible to the owners or *cestui que trust* of such moneys for the validity, regularity, quality, value, and genuineness of all such investments and securities at the time the said investments are so made, and for the safe-keeping of the evidences and securities thereof. But if any special direction, agreement, or trust is imposed upon, made, or conferred in and by the order, judgment, or decree of any court, or by the terms and conditions of any last will and testament, or other document, contract, deed, conveyance, or other written instrument, as to the particular manner in which, or the particular class or kind of securities, funds, or property, whether real or personal, the same shall be invested in, then the said corporation shall follow and carry out such order, judgment, decree, or other appointment, contract, deed, conveyance, or other written instrument. And in such case such company shall not be held liable or responsible for any loss, damage, or injury which may occur or be incurred by any person or *cestui que trust* by reason of its performance of such trust as aforesaid.

**Seventh. Trust estates may be transferred to corporation organized under this act.** It shall and may be lawful for any trustee of any trust estate now existing, or which may hereafter exist or be created, and whether before or after acceptance thereof, and whether the same has been or shall be created or conferred by any will or testament, or by contract conveyance, deed of trust, or agreement, whatsoever, to surrender and resign such trust in favor of any such corporation organized and doing business under this act which will accept the same, and to convey and deliver to such corporation all the property and assets of and pertaining to the said trust, and subject to all unexecuted trusts imposed upon or pertaining to the same; upon the condition, however, that the grantor, *cestui que trust*, and all parties in any manner interested in the execution and performance of such trust, shall join in, sign, seal, acknowledge, and deliver an instrument in writing, whereby they shall consent to the said transfer, and the release and discharge of such original or acting trustee, and the appointment of such corporation as his successor as such, or if either of the parties to the original trust shall have deceased, or shall not join in the said written consent and transfer for any cause, or if the said original trust was created under a last will and testament, or under an order or decree of any court of record, then such transfer of such trust shall not be valid except upon the judgment or decree of such court of record as would have jurisdiction of an action to remove the acting trustee of such trust, and the full compliance with all the terms and conditions of such judgment or decree.

**Eighth. Compensation for services—interest on advances.** For the faithful performance and discharge of any such trust, duty, obligation, or service so imposed upon, conferred, and accepted by any such corporation, it shall be entitled to

ask, demand, and receive such reasonable compensation therefor as the same shall be worth, or such compensation as may have been or may be fixed by the contract or agreement of the parties, as well as any and all advances necessarily paid out and expended in the discharge and performance thereof, and to charge legal interest on such advances unless otherwise agreed upon; and any compensation or commission paid, or agreed to be paid, for the negotiation of any loan or the execution of any trust by any such annuity, safe deposit, and trust company, shall not be deemed interest within the meaning of any law of this state. Nor shall any excess thereof over any rate of interest permitted by the laws of this state be decreed or held in any court of law or equity to be usury. (*Id.* § 9.)

\*§ 436. **Company to pay interest on funds held in trust.** On any sum of money not less than one hundred dollars which shall be collected or received by any such corporation in its capacity of executor, administrator, or guardian, or upon any deposit under any order of any court of record, an interest shall be allowed by such company of not less than at the rate of three per cent. per annum in all cases where such money shall have remained in the possession of such company for over one year, for the period of such excess, and which interest shall continue after such one year until the said money shall be duly accounted for and paid over. And if the annual income of any minor or other person for whose estate any such company shall be guardian or trustee shall exceed the sum allowed for, or which may be necessary for, the support, maintenance, and education of such ward, such surplus income shall be accumulated by said company for the benefit of such infant by adding annual interest on such surplus as a new principal of not less than the rate aforesaid. (*Id.* § 10.)

\*§ 437. **Not to engage in banking, etc.—funds not to be loaned to directors or agents—penalty for violation.** No such corporation shall engage in any banking, mercantile, manufacturing, or other business, except such as is hereby expressly authorized. It shall not loan its funds, moneys, capital, trust funds, or other property whatsoever, to any director, officer, agent, or employe [thereof,] nor shall any such director, officer, agent, or employe become in any manner indebted to said corporation by means of any overdraft, promissory note, account, indorsement, guaranty, or other contract whatsoever; and any such director, officer, agent, or employe who shall become so indebted to said corporation, shall be deemed guilty of the crime of embezzlement to the amount of such indebtedness, from the time such indebtedness shall be created, and upon conviction thereof shall be punished in the manner prescribed by the laws of the state for the crime of embezzlement of a like amount. The execution and delivery of the official bond required from such officer, agent, or employe shall not be considered as an indebtedness for the purposes of this section. (*Id.* § 11.)

\*§ 438. **Corporation subject to order of court—report.** Any such corporation shall be subject at all times to the further orders, judgments, and decrees of any court of record from which it shall have accepted any trust, appointment, or commission, as to such trust, and shall render to such court such itemized and verified accounts, statements, and reports as may be required by law, or as such courts shall order in relation to such particular trust. It shall also be subject to the general jurisdiction and authority of the district court of the county in which the principal place of its business is situated. It shall render to the public examiner a full and detailed annual account of its condition on or before the ——— day of ——— in each year, and such further accounts, either total or partial, or in relation to any particular investments, trusts, funds, or other business, as the said public examiner may from time to time direct or request; and a condensed statement of such annual account, approved by the public examiner, shall be published by said corporation in a public newspaper printed and published in the county in which its principal place of business is located, and if none, then in such newspaper as the public examiner may direct. (*Id.* § 12.)

\*§ 439. **Public examiner to make examination once in six months.** It shall be the duty of such public examiner, at least once in six months, and as often as he may deem necessary, to assume and exercise over any such corporation, its

business, officers, directors, and employes, all the power and authority conferred upon him over banks and other moneyed corporations under the laws of this state; and in the event of his inability to act in the premises, the state auditor may discharge and perform all the duties of the public examiner in relation to such corporation. (*Id.* § 13.)

\*§ 440. **Public examiner may direct discontinuance of corporation.** If it shall appear to the said public examiner or state auditor, from any examination made by either of them, or from any report of any examination made by them, that said corporation has committed a violation of its charter, or of the law, or that it is conducting business in any unsafe or unauthorized manner, he, or either of them, shall, by an order under his hand and seal of office, addressed to such corporation, direct the discontinuance of such illegal or unsafe practices, and conformity with the requirements of its charter and of the law, and with safety and security in its transactions. And whenever any such corporation shall refuse or neglect to make such report or account as may be lawfully required, or to comply with any such order as aforesaid, or whenever it shall appear to the said examiner, or to the state auditor acting for him, that it is unsafe or inexpedient for any such corporation to continue to transact business, he shall communicate the facts to the attorney general, who shall thereupon be authorized [to] institute such proceedings against any such corporation as are now, or may hereafter be, provided by law in the case of insolvent corporations, or such other proceedings as the case may require. (*Id.* § 14.)  
See page 451.

## CHAPTER XXXV.

### CHARITABLE INSTITUTIONS.

#### HOSPITALS FOR THE INSANE.

\*§ 18a. **Authority of trustees to purchase lands for hospitals.** The board of trustees of the Minnesota hospitals for insane are hereby authorized and empowered to purchase land for the use of the hospitals, said purchase not to exceed in cost eight thousand four hundred dollars, for the first hospital, and ten thousand dollars, for the second hospital. (1883, c. 96, § 1.)  
See page 455.

Strike out last paragraph of \*§ 28, p. 458, as amended by Laws 1879, c. 31, § 1, (see Supp. 1881, p. 77,) and insert:

Said commissioners shall be known and designated as the lunacy commission, and shall receive for their said services and expenses the sum of one hundred dollars per annum each; for which the state auditor shall draw his warrant on the state treasurer, payable out of the general fund. (1881, *Ex. Sess.* c. 40, § 1.)

#### STATE REFORM SCHOOL.

\*§ 45. **Commitment of infants convicted of crime.** That whenever any infant under the age of sixteen years shall have been duly convicted in any of the courts of this state of any crime punishable by imprisonment, except of the crime of murder, it shall be the duty of the magistrate before whom such conviction is had to commit the said infant so convicted to the guardianship of the board of managers of the Minnesota State Reform School. (1872, c. 28, § 1, as amended 1883, c. 37, § 1.)  
See page 461.

\*§ 46. **Commitment for incorrigibility—approval by district court.** That no justice of the peace shall have power to commit any infant to said reform school upon a charge of incorrigibility unless such charge is proved by at least two disinterested witnesses, and no commitment for incorrigibility shall be sufficient